

**SELECT COMMITTEE
ON
RULES, ORDERS, AND USAGES OF THE HOUSE**

FINAL REPORT

MARCH 12 2003

FINAL REPORT

The Committee's interim report that was tabled on March 6 2003 was intended to allow members and their respective parties sufficient time in which to assess the objectives that underpin the procedural changes that are proposed.

Although every effort has been made to propose an equitable arrangement, the Committee members acknowledge that the projected outcome of its proposals, and its perceived political advantages, or disadvantages, will be a significant factor for each party in deciding to accept or reject what has been put forward.

What is not in doubt is the fact that any Government is assured of having a greater share of available time for its business. Backbenchers are also given realistic time periods in which to discuss their concerns.

The Committee was unanimous in expressing the view that the House should decide whether or not to accept the proposal before the next adjournment, bearing in mind that it is intended that the trial expire at the end of this year unless there is a decision to extend its operation.

Orders that give effect to the proposal are appended to this report. The Committee is satisfied that, if adopted, the Orders go no further than is necessary to implement its proposal.

The Committee would also recommend that the Management Committee (SO 125A) monitor the operation of the proposal during this year's trial and suggest whether it should be extended into next year with modifications (if any) based on practical experience.

The Committee commends the proposal and the adoption of the Orders to the House.

The Committee formally **recommends** —

That the question for the adoption of the Orders appended to this report be subject to affirmative resolution by an absolute majority.



Hon N F Moore MLC
Chairman

12/3/03

Extract from Minutes of the Legislative Council for Thursday December 5 2002.

Ordered —

That a Select Committee of 5 members, any 3 of whom constitute a quorum, be appointed to consider and report on —

1. The rules, orders and usages of the House with respect to —
 - (a) the days and times on which it meets, and the duration of its sittings on any day;
 - (b) the routine governing the transaction of business at each sitting; and
 - (c) the time limits apportioned for the consideration of particular matters, eg. motions, passage of Bills and speeches.
2. In relation to the matters set out in paragraph 1, any findings and recommendations intended to achieve greater effectiveness and efficiency in the ways and means by which the business of the House is dealt with.
3. The Committee have power to send for persons, papers and records.
4. The Committee report finally not later than Thursday, 6 March 2003.
5. The Committee must include a member from each political group represented in the Council.

Members of Select Committee —

Hon Norman Frederick Moore, BA Dip Ed MLC (Chairman)
Hon Kimberley (Kim) Maurice Chance MLC
Hon Murray John Criddle MLC
Hon John Duncombe Fischer MLC
Hon James (Jim) Alan Scott MLC.

The Legislative Council makes the following Orders —

1. Sitting weeks for calendar 2003

The weeks of sitting for 2003 are as stated in Schedule 1.

2. Sitting and adjournment times

- (1) In each sitting week, the Council is to meet on the days and at the times as follows —

Tuesday	03.00 pm
Wednesday	10.00 am
Thursday	10.00 am
Friday	10.00 am

- (2) Unless sooner adjourned, the House stands adjourned by operation of this Order at the following times —

Tuesday	10.00 pm
Wednesday	06.10 pm
Thursday	06.10 pm
Friday	05.10 pm

- (3) Any sitting is suspended between 1.00 and 2.00 pm, 6.00 and 7.30 pm, 3.45 and 4.00 pm on Wednesday and Friday, and 4.15 and 4.30 pm on Thursday.

3. Committee meetings — SO 302B

Standing order 302B is amended —

- (a) in paragraph (1), by deleting all words after “business” and substituting —

“on each Monday in a sitting week.”;

- (b) by deleting paragraph (2) and substituting —

“(2) Paragraph (1) does not affect the ability of a committee to meet at any time when the Council is not sitting or a sitting is suspended. “.

4. Routine of business

- (1) At each sitting after Prayers, the business of the House is to be taken as follows —

- (a) Condolence motions and Governor's message notifying royal assent to bills;
 - (b) presentation of petitions and tabling of papers;
 - (c) notices of motions to introduce bills, disallow statutory instruments, and other matters for which notice is required;
 - (d) statements under SO 125(aa);
 - (e) motions without notice.
- (2) The question on a motion without notice for orders on tabling a paper is to be determined without amendment or debate, but the mover, at the time of moving or in answer to another member's request, may give a brief statement of the reason for, or the purpose of, the order sought.
 - (3) A motion without notice that is contingent upon an order of the day being called cannot be moved under subclause (1)(e).

5. Arrangement of business for each sitting day

- (1) If business under Order 4 is not completed within an hour of the time at which the Council met, any matter then under consideration and any business not reached is held over to the next sitting. The orders of the day are then to be called *seriatim* as published in the *Business Program*.
- (2) A minister must exercise a discretion under SO 127, or a power under SO 129, in accordance with the express provisions of this Order .
- (3) A motion moved under SO 129 that complies with subclause (2) passes with a simple majority.
- (4) Subject to subclause (5), on the completion or interruption of business under Order 4, the orders of the day are to be taken in the order determined under SO 127.
- (5) Consideration of business under subclause (4) is suspended between the times shown for each of the following days —

Wednesday	02.00 pm – 05.00 pm;
Thursday	02.00 pm – 04.15 pm;
Friday	02.00 pm – 03.45 pm.

6. Motions on Notice – when debated - maximum time for debate

- (1) Upon a suspension of business under Order 5(5) on a Wednesday, motions on notice may be moved and debated until 5.00 pm and a debate in progress at that time is adjourned until the next sitting Wednesday.

- (2) The maximum time for debate on any motion on notice, including the mover's reply where permitted, is 330 minutes at which time any debate is interrupted and the question must be resolved immediately.

7. Time reserved on Thursday for business not subject to SO 127

- (1) Between 2.00 pm and 4.15 pm on a Thursday, the Council is to consider the business appearing on the *Business Program* determined under Order 8.
- (2) Any debate interrupted at 4.15 pm stands adjourned.
- (3) More than 1 matter may be listed for consideration including a motion without notice, a motion under SO 72, or an order of the day but excluding —
 - (a) business in the name of a minister or parliamentary secretary;
 - (b) a motion on notice whether or not it has been moved;
 - (c) business if debate would contravene SO 98.

8. How non-official business determined — SO 72 modified

- (1) Business subject to Order 7 —
 - (a) is determined by weekly rotation among the political groups of members on a *pro rata* basis ascertained as follows —

$$\frac{(\acute{\alpha}) \times (\phi)}{28}$$

where $\acute{\alpha}$ = number of group's non-official members; ϕ = sitting Thursdays; 28 = total non-official members;

- (b) is to be provided, together with the text of any motion without notice or a motion under SO 72, to the Clerk at least 90 minutes before the House is to meet.
- (2) Standing order 72 is altered —
 - (a) in subclause (1) by substituting “Thursday” for “Tuesday”;
 - (b) by deleting subclause (2) and (3);
 - (c) in subclause (5)(a) by deleting all words after “exceed” and substituting “135 minutes, and the speeches of the mover and other speakers having a maximum of 20 minutes”.

9. Committee reports and ministerial statements

- (1) At 2.00 pm on each Friday until 3.45 pm the Council is to proceed to consideration, in committee, of orders of the day under SO 336(b) (standing committee reports excluding reports on bills), select committee reports, and ministerial statements.
- (2) Orders of the day under subclause (1) are to be listed in order of tabling and in alternating sequence between reports and ministerial statements.
- (3) Standing order 369 is amended by deleting the words “or notice may be given” and substituting “and motion made without notice, either then or at a subsequent sitting”.
- (4) Debate on an order of the day under subclause (1) is not to exceed 105 minutes.

10. Members’ statements

- (1) Business under consideration on Wednesday, Thursday, and Friday:
 - (a) 40 minutes before the time of adjournment; or
 - (b) 45 minutes before the time of adjournment if the House is in committee at that time,

is to be interrupted and stands adjourned where paragraph (a) applies or reported to the House where paragraph (b) applies. The question to adopt a report is to be determined forthwith and is not capable of being superseded by a motion to recommit or for any other purpose.

- (2) In the time between the interruption of business under subclause (1) and the time fixed for the adjournment of the House, a member may speak on any matter without need for a motion, for not more than 10 minutes. A member speaking at the time of adjournment is to be interrupted and the House stands adjourned.

11. Interpretation and application

- (1) These Orders are to be read and applied so as to give effect, to the fullest extent, to the purpose for which they are made without regard to technicalities or matters solely of form.
- (2) Where a provision of an Order conflicts, or is inconsistent, with a rule or order the provision of an Order is to be preferred and applied accordingly.
- (3) A motion to amend or rescind any Order, or to repeal these Orders or any part of them, or to extend their operation beyond the date of expiry in Order 12, is subject to SO 171.

- (4) An amendment, except that in Order 9(3), to a standing order made by a provision of these Orders lapses on expiry under Order 12.

12. Commencement and expiry

These Orders come into operation at midnight on the Sunday next following the day on which they are adopted and, unless their operation is extended by motion subject to Order 11(3), expire on December 31 2003.

**LEGISLATIVE COUNCIL
SITTING WEEKS 2003**

Week 15	Monday March 3	—	Friday March 7
Week 16	Monday March 10	—	Friday March 14

Recess 2 weeks

Week 17	Monday March 31	—	Friday April 4
Week 18	Monday April 7	—	Friday April 11

Recess 3 weeks

Week 19	Monday May 5	—	Friday May 9
Week 20	Monday May 12	—	Friday May 16

Recess 2 weeks

Week 21	Monday June 2	—	Friday June 6
Week 22	Monday June 9	—	Friday June 13

Recess 1 week

Week 23	Monday June 24	—	Friday June 27
----------------	----------------	---	----------------

Recess 6 weeks

Week 1	Tuesday August 12	—	Friday August 15
Week 2	Monday August 18	—	Friday August 22

Recess 2 weeks

Week 3	Monday September 8	—	Friday September 12
Week 4	Monday September 15	—	Friday September 19

Recess 3 weeks

Week 5	Monday October 13	—	Friday October 17
Week 6	Monday October 20	—	Friday October 24

Recess 2 weeks

Week 7	Monday November 10	—	Friday November 14
Week 8	Monday November 17	—	Friday November 21

Recess 1 week

Week 9	Monday December 1	—	Friday December 5
Week 10	Monday December 8	—	Friday December 12